

ORDINANCE NO. \_\_\_\_\_

An ordinance creating and enacting Chapter 6.74 of the Metropolitan Code of Laws to regulate motorized, non-taxi passenger vehicles for hire.

WHEREAS, Tennessee Code §§ 7-51-1001 through 1007 grant authority to metropolitan governments to license, control, and regulate private passenger for hire vehicles providing transportation services within their jurisdictions; and,

WHEREAS, there is a need for regulation of private passenger-for-hire vehicles, including limousines, sedans and shuttles not currently regulated by the Metropolitan Code to ensure that the citizens and visitors to the area within the Metropolitan Government of Nashville and Davidson County are provided safe, efficient, and courteous transportation services; and,

WHEREAS, the public health, safety, and welfare of citizens and visitors to Nashville may best be ensured through the licensure, control, and regulation of non-taxi passenger vehicles for hire, including limousine, sedan and shuttle service; and,

WHEREAS, the Metropolitan Transportation Licensing Commission recommended approval of the proposed ordinance during its August 25, 2009 meeting; and,

WHEREAS, the enactment of Chapter 6.74, "Other Passenger Vehicles for Hire," to the Metropolitan Code of Laws is in the best interest of The Metropolitan Government of Nashville and Davidson County.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Title 6 of the Metropolitan Code of Laws is amended by adding the following new chapter, 6.74 Other Passenger Vehicles for Hire.

Chapter 6.74 OTHER PASSENGER VEHICLES FOR HIRE

6.74.010 Definitions. For purposes of this Chapter

- A. "Approved mechanic" means a mechanic who has met all requirements of the National Institute for Automotive Service Excellence.
- B. "As directed" means a request for transportation by prearrangement that does not have specific itinerary, route or stops; but is to be directed and determined by the passenger as the trip progresses.
- C. "Call or demand" means transportation arrangements made indiscriminately and instantaneously with a request for service which includes, but is not limited to, the hailing of a taxicab or any other oral request for transportation service made from a public street location or other vehicular holding or waiting area as the pickup location. No passenger

vehicle for hire, other than a taxicab, may be operated on call or demand. Call or demand does not apply to requests made for transportation by services operating only on pre-approved routes.

- D. "Certificate" means a certificate of public convenience and necessity issued by the Metropolitan Transportation Licensing Commission (MTLC), authorizing the holder thereof to conduct a passenger vehicle for hire business within Davidson County.
- E. "Chauffer" has the same meaning as driver, as defined in this section.
- F. "Classic or Vintage Limousine or Sedan" means a limousine or sedan recognized by the Classic Car Club of America or other national car club recognized by the MTLC.
- G. "Cruising" means the driving, parking or standing of a passenger vehicle for hire on the streets, alleys or public places of Davidson County for the purpose of attracting passengers for hire. No passenger vehicle for hire, other than a taxicab, may engage in cruising.
- H. "Disability transport vehicle" means a special-purpose passenger vehicle for hire which is designed or constructed to transport passengers with disabilities.
- I. "Disability transport service" means a special-purpose passenger vehicle for hire that provides transportation using disability transport vehicles. Disability transport services shall not include any transportation services to passengers with disabilities being offered by any government agency as a public service or by medical facilities exclusively to patients of the medical facility.
- J. "Driver" means any individual who physically operates a passenger vehicle for hire.
- K. "Driver's permit" means the permission granted by the MTLC in accordance with Metropolitan Charter § 2.01 (22) to an individual to drive a passenger vehicle for hire upon the streets and roadways of the area within the Metropolitan Government.
- L. "For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of a passenger vehicle for hire or a passenger vehicle for hire company in exchange for the temporary use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of parking wherein the transportation is part of the services provided.
- M. "Holder" means a person to whom a certificate of public convenience and necessity has been issued by the MTLC.
- N. "Inspectors" means the inspectors for the MTLC.
- O. "Limousine" means a motor vehicle except a taxicab or sedan designed or constructed to accommodate and transport passengers for hire, with an extended wheel base and expanded seating capacity. The vehicle shall have additional rear seating capacity, area, and comforts; and shall be designed to transport not more than fourteen (14) passengers, exclusive of the driver.
- P. "Livery Service" means a passenger vehicle for hire that provides transportation services using livery vehicles.

- Q. "Livery Vehicle" means a motor vehicle designed or constructed to accommodate and transport passengers for hire, and shall include a limousine, a sedan, an SUV, or a passenger van.
- R. "Manifest" means a daily record prepared by a passenger vehicle for hire driver of all trips made, showing time and place of origin, destination or "as directed," and number of passengers picked up.
- S. "Passenger van" means a motor vehicle designed or constructed to accommodate and transport passengers for hire that is designated by the manufacturer as a full-size van and designed to transport not more than fourteen (14) passengers, exclusive of the driver. It cannot have an extended wheel base or an expanded seating
- T. "Passenger vehicle for hire" means any vehicle designed or modified to transport not more than fifteen (15) passengers, exclusive of the driver, and which is operated for hire. Excluded from this definition are:
1. Vehicles exclusively regulated and licensed by the state or federal government with respect to special public safety standards. For the purpose of this chapter, such exclusive regulation must include all of the following:
    - a. vehicle condition standards and inspections;
    - b. liability insurance standards and verification; and
    - c. criminal background, medical and driving record checks for drivers.
  2. Vehicles, and the drivers thereof, used exclusively in connection with a funeral or funeral service.
- U. "Passenger vehicle for hire service" is any individual, partnership, corporation, association or public or private organization that provides transportation to persons for hire.
- V. "Person" means any individual, partnership, corporation, association or public or private organization of any character.
- W. "Pre-approved route" means a fixed route, with predetermined fixed pick-up and drop-off points, approved in advance by and on file with the director of the MTLC.
- X. "Pre-arrangement" means a request for transportation of a specific passenger by registration in advance of boarding from a specified location. Such registration must have been made by contacting the passenger vehicle for hire service before the vehicle for hire was dispatched to render the transportation service or any service ancillary to the transportation, such as loading luggage.
- Y. "Public accommodation" means a business that provides lodging, food, entertainment, or other services to the public.
- Z. "Safety certificate" means a document from an approved mechanic certifying that a particular vehicle meets all vehicle safety standards set forth in this chapter and in rules of the MTLC adopted pursuant to this chapter.
- AA. "Sedan" means a motor vehicle designed or constructed to accommodate and transport passengers for hire that does not have an extended wheel base or an expanded seating capacity designed for the transport of persons. The vehicle will have no additional rear

seating capacity, area or comforts; shall be designed to transport not more than five (5) passengers, exclusive of the driver. As an exception, new categories of vehicles developed by the automobile industry and approved by the MTLC may be recognized as sedans.

- BB. “Shuttle” means a motor vehicle designed or constructed to accommodate and transport passengers for hire designed for the transportation of persons. The vehicle must be designed to transport not more than fifteen (15) passengers, exclusive of the driver.
- CC. “Shuttle service” means a passenger vehicle for hire service that provides only shuttle transportation to or from prescribed locations on a pre-approved route.
- DD. “Solicit” means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.
- EE. “Special-purpose passenger vehicle for hire” means any vehicle for hire that is not a limousine, passenger van, sedan, shuttle, SUV, taxicab, or horse-drawn carriage.
- FF. “Special temporary service” means an infrequent and unusual service requiring the temporary pooling of foreign limousines to operate under the certificate of a duly licensed limousine service. Special temporary services include, but are not limited to, pooling arrangements to service needs created by community-wide tourism or cultural events.
- GG. “SUV” means a motor vehicle designed or constructed to accommodate and transport passengers for hire that does not have an expanded seating capacity. The vehicle must be an automobile that is recognized by the manufacturer as a full-size sport utility vehicle, designed to transport not more than seven (7) passengers, exclusive of the driver.
- HH. “Tour vehicle” means a special-purpose passenger vehicle for hire that is used exclusively to transport a passenger or specified group from a point of origin to various points of interest and return them to their same point of origin.
- II. “Tour service” means a special-purpose passenger vehicle for hire service that uses charter or tour vehicles to transport passengers or specified groups of passengers, and that:
1. Is offered only upon a prearranged and pre-sold basis;
  2. Transports from locations within Davidson County to locations either inside or outside Davidson County; and
  3. Does not discharge passengers at points other than those from which they are picked up.

#### 6.74.015 Purpose and Intent of Chapter Provisions.

It is declared that the purpose and intent of this chapter is that all motorized, non-taxi passenger vehicle for hire services, including but not limited to limousine, sedan, SUV, and shuttle livery services doing business within Davidson County, be licensed and regulated for the protection and welfare of the public. No unlicensed passenger vehicle for hire service may operate in Davidson County.

#### Article I. Certificate of Public Convenience and Necessity

6.74.020 Required.

No person shall operate or allow another to operate any passenger vehicle for hire, as defined in Section 6.74.010 (19), owned or controlled by the person, to pick up passengers within the area of the Metropolitan Government without having first obtained a certificate of public convenience and necessity from the MTLC.

6.74.025 Classification of Vehicles and Services

A. Classification. Every passenger vehicle for hire permitted pursuant to this Chapter shall be classified according to one of the following categories:

1. Livery;
2. Shuttle; or
3. Special-Purpose Passenger Vehicle For Hire

B. Method of Classification. An applicant for a certificate of public convenience and necessity shall request approval to provide service for a single category of passenger vehicle for hire service. The classification shall be made by the MTLC by descending from subparagraph A.1 to 3, above, until:

1. the vehicle definition contained in Section 6.74.010 applies to the proposed passenger vehicle for hire; and,
2. the proposed passenger vehicle for hire service satisfies the applicable requirements contained in this Chapter.

The classification shall be consistent with the provisions of this Chapter.

C. Purpose of Classification. The purpose of the classification is to:

1. ensure that different forms of passenger vehicle for hire services are recognized;
2. avoid misleading or creating confusion among the traveling public; and
3. provide notice to the holder of the appropriate classification and the applicable limitations and regulations pertaining to the category.

D. Category Use Restrictions. A certificate holder shall only provide the service specified below:

1. Livery.
  - a. limited to a livery vehicle;

- b. pre-arranged directly with the livery service or pre-arranged through a third party (e.g., guest service desk or concierge desk); and
- c. fare determined on a time-usage basis, not meter or mileage. Rates will be established in time unit increments for a minimum of a one-hour period. Livery services may also charge a flat rate for transportation between specific points. The MTLC may set a minimum charge for livery service in accordance with commission rules.

2. Shuttle.

- a. limited to a shuttle vehicle lettered as a shuttle;
- b. uses pre-approved routes; and
- c. fare determined on a per-passenger basis, not meter or mileage.

3. Special-Purpose Passenger Vehicle For Hire.

- a. limited to a passenger vehicle for hire other than a livery vehicle, shuttle, taxicab, or horse-drawn carriage;
- b. fare determined by either a pre-determined rate schedule based on proposed destination or by a time-usage basis, not meter or mileage;
- c. pre-arranged by written contract or a third party (e.g., guest service desk or concierge desk); and
- d. within limits specified in the application or those approved by the MTLC in issuing a certificate of public convenience and necessity.

6.74.030 Application--Information and fees required.

A. An application for a certificate of public convenience and necessity shall be filed with the MTLC for each classification of service to be provided. Forms will be provided by the commission and payment of a nonrefundable fee in an amount to be established by the commission will be charged.

B. The application shall require the following information:

- 1. Name and address of applicant;
  - a. Sole-proprietor- name and address of the owner.
  - b. Partnership- names and addresses of all partners.
  - c. Corporation or association- names and addresses of all the officers, directors, and members.
- 2. A background check of each person;
- 3. Proof of U.S. citizenship or legal residency for each person;
- 4. Names and addresses of two references as to the applicant's financial responsibility;
- 5. Prior experience of applicant in transport of passengers;
- 6. Classification of service to be provided;

7. Number of vehicle permits requested, and copy of title or current registration for each vehicle to be operated under the certificate;
8. Procedures for training drivers;
9. Rules and regulations governing driver appearance and conduct;
10. Copy of the prearrangement contract (trip sheet) to be used;
11. Copy of the daily manifest form to be used by drivers;
12. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued; and
13. Such further information as the MTLC may require.

C. An applicant will be ineligible for consideration if:

1. Any of the partners, officers, directors, or members are under twenty-one (21) years of age and/or the passenger vehicle for hire business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of eighteen (18) years of age;
2. Any of the owners, partners, officers, directors, or members has been convicted of, forfeited bond, pleaded guilty or nolo contendere to, or been released from incarceration for a felony or any crime involving a controlled substance, prostitution, assignation, obscenity, or any crime of a sexual nature in any jurisdiction within ten (10) years immediately preceding the date of application; or has been convicted of, forfeited bond, or pleaded guilty or nolo contendere to multiple felonies.
3. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter or of Chapter 6.72 of the Metropolitan Code within five (5) years immediately preceding the date of application.
4. Any portion of the application is incomplete or contains incorrect or untruthful information.

6.74.035. Hearings on the issuance of certificates.

1. The MTLC shall fix a time and date for a hearing, to be held annually, to review applications for new certificates of public convenience and necessity.
2. Any person may file with the MTLC a memorandum or letter in support of or opposition to the issuance of a certificate.
3. The MTLC may call special meetings for the consideration of new certificates.

#### 6.74.040 Findings -- Issuance of Certificate – Fees Required.

- A. If the MTLC or the commission director determines that further passenger vehicle for hire services are required and the applicant is qualified, the MTLC or commission director may issue a certificate.
- B. The MTLC shall adopt the criteria for determining the necessity for additional passenger vehicle for hire certificates.
- C. Any person whose application for a certificate is denied by the commission director may file a written appeal with the commission within thirty (30) days of denial and request an appearance before the commission and appear in-person for consideration of the certificate application.
- D. The certificate shall state the name, business address and telephone number of the applicant, the classification of service for which the certificate is issued, and the date of expiration. If the classification is for a special-purpose passenger vehicle for hire, the certificate may also specify any limitations or restrictions that apply.
- E. A fee of thirty-five dollars (\$35) shall be charged for the issuance of each approved vehicle permit associated with the certificate.

#### 6.74.045 Annual Renewal.

- A. All certificates issued under the provisions of this chapter shall expire on March 31 of the year following the date on which the certificate was issued. All certificates may be renewed by the director for each successive year between March 1 and 31 of each year. A renewal fee for each approved certificate shall be charged at the annual renewal of the certificate. The amount of the renewal fee shall be two hundred dollars (\$200) for companies operating 1-5 vehicles, five hundred dollars (\$500) for companies operating 6-10 vehicles, and seven hundred fifty dollars (\$750) for companies operating more than ten vehicles under the certificate. In addition, a fee will be collected to complete a background check every five years on any holder renewing a certificate.
- B. All applicants for renewal must be current with all assessments and taxes due to the Metropolitan Government.

#### 6.74.050 Liability Insurance required.

- A. Before any certificate shall be issued under this chapter by the MTLC, or before the renewal of such certificate shall be granted, the applicant shall be required to file a certificate of insurance, complete with a schedule of covered vehicles, with the commission director evidencing insurance coverage as required in this section.
- B. Minimum Insurance Requirements.



1. Comprehensive General (Public) Liability and Property Damage Insurance, inclusive of Contractual Liability, in an amount of not less than One Million Dollars (\$1,000,000) combined single limit written on an occurrence basis.

2. Comprehensive Automobile Liability in an amount of not less than One Million Five Hundred Thousand Dollars (\$1,500,000) combined single limit written on an occurrence basis. All vehicles permitted under a single certificate shall be covered under one master policy held by that certificate holder. The certificate of insurance shall also list the vehicle identification number of each vehicle that is insured. Any change in vehicles covered under the policy must be reported immediately to the director of the MTLC.

3. The insurance company must be licensed to do business in the State of Tennessee and have an AM Best Company rating of no less than A-.

4. The insurance policy shall name the Metropolitan Government of Nashville and Davidson County, its officials, officers, employees, and volunteers as additional insureds.

C. Effect of No Insurance. The failure of a holder to maintain continuous coverage of insurance as required by this section shall be deemed sufficient cause for revocation of the certificate.

#### 6.74.055 Request for Special Temporary Service.

The MTLC shall be authorized to establish rules and procedures for the application and issuance of special temporary service permits allowing certificate holders of limousine services to associate with foreign limousine companies to meet the temporary demand for a special community-wide event. A special temporary service permit shall not exceed seven (7) days in duration. For purposes of this chapter, all foreign limousine companies, vehicles and drivers operating under this section shall be deemed a member of the certificate holder's fleet. There shall be a nonrefundable fee, in an amount to be established by the commission based upon the cost of processing the application, including background checks, charged for each request for a special temporary service permit, payable at the time of application. An additional fee of twenty-five dollars (\$25) shall be charged for the issuance of each approved vehicle permit associated with the special temporary service permit. Nothing contained in this chapter shall relieve the holder of a special temporary service permit from obtaining any and all necessary approvals as may be required to operate at the airport or from paying any fees required by the airport or any government agency.

#### 6.74.060 Request For Additional Permits

An application for additional vehicle permits must be filed with the MTLC. An additional licensing fee of thirty-five dollars (\$35) shall be charged for the issuance of each approved permit.

6.74.070 Commission notification – quarterly reports required.

A. Persons granted certificates under this chapter shall not change the address, company name, officers, ownership, or any other item in a company's original application without prior notification to commission staff. Any material changes must be brought before the commission for approval.

B. Persons granted certificates under this article shall be required to submit quarterly reports from their insurance carriers to keep the MTLC advised of the vehicles being insured and operated.

6.74.080 Transfers -- Fee.

A. No certificate may be sold, assigned, mortgaged or otherwise transferred, nor may there be any modification of ownership as to stock transfer, new or additional partners, etc., by a holder of a certificate without the consent of the MTLC. An application for a transfer shall be filed with the commission upon the payment of a nonrefundable fee in an amount to be established by the commission based upon the cost of processing the application and of the administration and enforcement of this part.

B. Upon the filing of an application to transfer a certificate, the MTLC shall fix a time and place for a hearing on the application.

C. If the applicant meets the requirements for a certificate, the application may be approved.

6.74.090 Suspension and Revocation.

A. A certificate issued under the provisions of this article may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTLC if the holder thereof has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTLC;

2. Violated any provision of this code or other ordinances of the Metropolitan Government or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services;

3. Failed to pay assessments or taxes due to the Metropolitan Government; or

4. Made a misrepresentation or false statement when obtaining a certificate or additional permits, or transferring a certificate.

B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the commission.

C. If the holder commits an act in violation of the criminal code and the commission director determines that holder poses a threat to the public safety, the commission director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the commission at the next available commission meeting, but in no circumstance later than sixty (60) days from the date of the emergency suspension.

## Article II. Drivers' Permits

### 6.74.100 Required.

No person shall operate a passenger vehicle for hire upon the streets and roadways of Davidson County, and no person who owns or controls a passenger vehicle for hire shall permit it to be so driven, and no passenger vehicle for hire licensed by the Metropolitan Government shall be so driven at any time for hire, unless the driver of such vehicle shall first obtain and shall have then in force a driver's permit issued by the MTLC.

### 6.74.110 Application -- Information and fees required.

A. An application for a passenger vehicle for hire driver's permit shall be filed with the MTLC on forms provided by the commission.

B. Such application shall be certified under oath and shall at a minimum contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant. No applicant under twenty-one (21) years of age will be accepted.

2. The type(s) of vehicle(s) which the applicant will drive under the certificate;

3. The years of experience of the applicant in the transportation industry;

4. The educational background of the applicant;

5. A concise history of the applicant's employment;

C. The applicant shall provide copies of the following documents in order to submit his application:

1. A valid Tennessee driver's license with proof of a special chauffeur's license (Class D license with an 'F' endorsement) or a Commercial Driver's License (CDL) issued by the state.

2. A Social Security card or birth certificate;

3. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement document;

4. A current federal Department of Transportation (D.O.T.) medical card.
5. A current drug test result.

D. Each application shall be accompanied by an official driver record issued by the Tennessee Department of Safety, no more than thirty days previous to the date of application. All applicants are required to meet the following standards:

1. No convictions in the last five (5) years for any of the following offenses involving bodily injury or death and no convictions in the last three (3) years for any of the following offenses not involving injury or death:
  - a. Hit and run;
  - b. Driving under the influence of an alcoholic beverage or drug;
  - c. Reckless or careless driving.
2. For an initial permit, no more than three (3) moving violations within the last three (3) years and no more than two (2) moving violations in the last year.
3. For a renewal permit, no more than four (4) moving violations within the last three (3) years and no more than two (2) moving violations in the last year.

#### 6.74.120 Fingerprint-based criminal background investigation.

- A. All applicants for a driver permit will undergo a fingerprint-based identification and background check. The commission staff shall collect background check fees from applicants and schedule them for fingerprinting. A background check report and a copy of the driving record of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTLC.
- B.
  1. Any applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:
    - a. Has been convicted, pled guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States:

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| <ul style="list-style-type: none"><li>▪ homicide,</li><li>▪ rape,</li><li>▪ aggravated assault,</li><li>▪ kidnapping,</li><li>▪ robbery,</li><li>▪ burglary,</li><li>▪ child sexual abuse,</li></ul> | <ul style="list-style-type: none"><li>• any sex-related offense,</li><li>• leaving the scene of an accident,</li><li>• criminal solicitation, or criminal attempt to commit any of above,</li></ul> | <ul style="list-style-type: none"><li>▪ perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or</li><li>▪ the felony possession, sale or distribution of narcotic drugs or controlled substances.</li></ul> |
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- b. If, at the time of application, the applicant is charged with any offenses in 1.(a) above, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.
- c. Has been convicted of or released from incarceration due to two or more felony offenses within the past ten (10) years.
- d. Has been convicted for a period of two (2) years prior to the date of application of the violation of two or more sections of this code or other ordinances governing the operation of vehicles for hire.
- e. Has failed to disclose any criminal conviction, except traffic citations, on the application for a permit.

#### 6.74.130 Application -- Approval or disapproval.

The MTLC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected by the commission staff may file an appeal within thirty (30) days of denial and request an appearance before the commission. The appeal shall be heard by the commission at the next available commission meeting with the appellant appearing in-person for consideration of the application.

#### 6.74.140 Issuance -- Contents.

Upon approval of an application for a passenger vehicle for hire driver's permit, the MTLC shall issue a permit to the applicant, which shall bear the name, driver's license number, height, date of birth, and photograph of the applicant.

#### 6.74.150 New application after denial.

Upon denial of an application for a driver's permit, no new application shall be considered for a period of three (3) months.

#### 6.74.160 Expiration -- Issuance and replacement fee.

- A. Each passenger vehicle for hire driver's permit shall be issued for a period of one (1) year, or until March 31.
- B. A permit may be issued to qualified applicants upon the payment of twenty dollars (\$20) plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior commission approval. A ten dollar (\$10) fee shall be charged for all replacement driver permits. Such fees shall be in addition to the cost of any investigation.

#### 6.74.170 Display of permit.

Every driver to whom a permit is issued under this article shall have available his driver's permit in accordance with commission rules while such driver is operating a passenger vehicle for hire.

#### 6.74.180 Suspension and revocation.

- A. The MTLC is authorized to suspend, revoke, otherwise restrict, or not renew any driver's permit issued under this article for failing or refusing to comply with the provisions of this chapter or the commission rules and regulations.
- B. If the holder commits an act in violation of the criminal code and the commission director determines that holder poses a threat to public safety, the commission director may enact an emergency suspension of the holder's permit to remain in effect until the holder has the opportunity to be heard by the commission at the next available commission meeting, but in no circumstance later than sixty (60) days from the date of the emergency suspension.
- C. A driver whose permit is revoked may not reapply for ninety (90) days from the date of revocation and will be treated as a new applicant.

#### 6.74.185 Revocation of Tennessee Driver's License.

The driver's permit of any driver whose Tennessee driver's license is suspended or revoked shall be invalid during any such period of suspension or revocation.

#### 6.74.190 Compliance with provisions.

Every driver granted a permit under this article shall comply with all metropolitan government, state and federal laws. Failure to do so may result in the MTLC suspending or revoking the passenger vehicle for hire driver permit.

### Article III. Equipment

#### 6.74.200 Vehicle Permit required.

Each passenger vehicle for hire must have a permit issued by the MTLC. The permit will identify each vehicle by a unique number in accordance with rules and procedures established by the MTLC, and will be associated with the specific classification and by certificate holder. Vehicle permits are not transferable to other vehicles or certificates.

#### 6.74.205 Ownership of vehicles.

All vehicles permitted under this chapter must be titled and registered to a certificate holder, except as authorized for special temporary service. For any other purpose, the use of rental vehicles as passenger vehicles for hire is prohibited.

6.74.210 Vehicle to display identification.

All passenger vehicles for hire operated under the authority of this chapter shall be equipped with identification as prescribed by the commission in rules and regulations. No person shall equip, mark, paint, display marking lights or windshield lights, or in any way cause a motor vehicle to resemble a licensed/permitted passenger vehicle for hire or create a public impression that a motor vehicle is a permitted passenger vehicle for hire approved by the MTLC.

6.74.220 Inspection and maintenance of vehicles -- Compliance required.

- A. Prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected by a transportation licensing inspector and found to comply with such reasonable rules and regulations as may be prescribed by the MTLC. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the commission shall deem necessary. When an inspector finds that a vehicle has met all the standards established by the commission, he shall inform the commission, which shall issue a permit.
- B. Every vehicle operating under this chapter shall be periodically inspected by a transportation licensing inspector at such intervals as shall be established by the MTLC to ensure the continued maintenance of safe operating conditions. A certificate holder shall make a passenger vehicle for hire available for inspection with at least 48 hours notice when ordered to do so by the director or inspector. If, upon inspection, the inspector determines that a passenger vehicle for hire is not in compliance with this chapter or commission rules, the inspector shall order the vehicle to be brought into compliance within a reasonable period of time and require it to be re-inspected.
- C. Every vehicle operating under this chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTLC.
- D. In January or February of each year, every vehicle operating under this chapter shall undergo a detailed mechanical inspection conducted by an approved mechanic to determine if the vehicle conforms to the standards of the MTLC. Every classic limousine operating under this chapter will also undergo a semiannual mechanical inspection in June or July of each year. The certificate holder shall provide the commission with a safety inspection form, completed by an approved mechanic, within thirty days following inspection.

6.74.225 Limits on Stretch Limousines.

The MTLC may establish limits by its rules on the extent to which a limousine wheelbase may be extended and any the safety-related requirements for stretch limousines.

6.74.230 Vehicle age and mileage limit.

- A. Effective January 1, 2012, except for a classic or vintage limousine or sedan, or as otherwise provide below, no vehicle to be operated as a passenger vehicle for hire shall be more than five (5) years old at the time it begins service.

- B. Effective January 1, 2012, except for a classic or vintage limousine or sedan, no vehicle to be operated as a passenger vehicle for hire may exceed the following maximum allowable age or mileage limits:
1. No limousine may be more than ten (10) model years old, or have more than three hundred-fifty (350,000) miles on the odometer;
  2. No sedan or SUV may be more than seven (7) model years old, or have more than three hundred-fifty (350,000) miles on the odometer.
  3. No passenger van or other passenger vehicle may be older than seven (7) model years old, or have more than three hundred-fifty (350,000) miles on the odometer.
- C. The MTLC is authorized to make a determination based on vehicle mileage and condition as to the acceptability of any vehicle to be rated as a classic or vintage limousine, and to make a determination as to the required replacement of those limousines.
- D. The commission shall establish by its rules a procedure by which an affected holder may seek a waiver under this section.

6.74.240 Inspection compliance decal required -- maintenance equipment.

- A. It shall be unlawful to drive or to cause to be driven any passenger vehicle for hire that does not have a current inspection compliance decal affixed by the inspector. Certificate holders shall remove and return to the commission staff decals of any permitted vehicles which may be removed from service.
- B. All vehicles shall be maintained in a safe and sanitary condition at all times and shall always be maintained in first class mechanical condition.
- C. All safety, noise, and antipollution requirements specified by the United States Government and the state shall be complied with at all times.
- D. The brakes shall always be kept in first class working order.
- E. All vehicles shall be air-conditioned and equipped with interior and exterior rearview mirrors, windshield washers, and two-speed windshield wipers, proper headlights and tail lights that shall be in operation from one-half hour after sunset to one-half hour before sunrise when the vehicle is in operation. For classic or vintage limousines and classic or vintage sedans, transportation licensing inspectors may allow waivers for items which were not factory-equipped.
- F. The MTLC inspection shall include, but not be limited to, the following items:
- |                                   |  |  |
|-----------------------------------|--|--|
| 1. Vehicle identification number; | 9. Two-speed windshield wipers;                          | 15. Current state inspection sticker, as applicable; |
| 2. Date of purchase;              | 10. Interior and exterior rear vision mirrors;           | 16. State license plates;                            |
| 3. Headlights;                    | 11. Air conditioner;                                     | 17. Odometer readings;                               |
| 4. Tail lights;                   | 12. Tires;   | 18. mileage;   |
| 5. Brake lights;                  | 13. Muffler and tail pipe;                               | 19. Steering;  |
| 6. Turn signal lights;            | 14. Condition of the body, fenders, paint, and interior; | 20. Brakes, including foot and emergency; and,       |
| 7. License plate lights;          |  | 21. Seat belts.                                      |
| 8. Horn;                          |  |  |



#### 6.74.250 Tests and inspections of vehicles.

Transportation licensing inspectors may at any time, and shall at least once each year, make tests and inspections of all passenger vehicles for hire then in operation to assure that they are in compliance with the terms of this chapter and the rules of the MTLC. If, as a result of the inspection or test, any vehicle is found not in compliance, the holder shall be notified of the defects observed, and he shall immediately correct same to the satisfaction of the inspector. Any vehicle that is the subject of the notification shall not be operated on any street of the city until it has been re-inspected and determined to be in compliance with the requirements of inspection. The transportation licensing commission director and any employee to whom he may designate the duty of inspection of vehicles shall be given ready access to the vehicles at all reasonable times.

### Article IV. Operations

#### 6.74.300 Duty to render service -- Business requirements.

All persons engaged in any passenger vehicle for hire service shall maintain a fixed, central place of business, as indicated in their application for a certificate of public convenience and necessity.

#### 6.74.310 Daily manifests.

- A. Every passenger vehicle for hire driver shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin of each trip and the number of passengers picked up at the place of origin. The forms for each manifest shall be furnished to the driver by the certificate holder and shall be of a character approved by the MTLC. All such completed manifests shall be returned to the certificate holder by the driver at the conclusion of his tour of duty.
- B. Every certificate holder shall retain and preserve all drivers' manifests in a safe place for a period of twelve months, and such manifests shall be available to the MTLC or any designated representative at any time.

#### 6.74.320 Pre-arrangement documented – required procedures

- A. Livery services and any other passenger vehicle for hire services restricted to pre-arranged services must present contracts (trip tickets) for transportation services. Passenger vehicle for hire services operating by pre-arrangement shall obtain written or electronic contracts (trip tickets) for services at least fifteen minutes (15) in advance of the time the transportation is to begin. These contracts must include all of the following:
  - 1. Date and time the arrangement was made;
  - 2. Name of passenger;

3. Date and time passenger is to be picked up. If the contract is for service originating at the airport, this will include the airline name, flight number, and the scheduled date and time of arrival;
  4. Point of origin; and
  5. Name of certificate holder to provide the service.
- B. Full-service hotels with certificates for hotel-owned passenger vehicle for hire services may be exempted by the MTLC from the minimum fifteen-minute pre-arrangement requirement for arranging departure transportation for their overnight guests, provided that the other requirements of this section are met.
- C. The driver shall arrive at the point of origin no earlier than thirty minutes prior to the requested pick-up time. The driver of a passenger vehicle for hire limited to pre-arrangement must be able to provide documented proof of such pre-arrangement prior to picking up any passenger.
- D. Every certificate holder shall retain and preserve all pre-arrangement contracts in a safe place for at least twelve (12) months, and such records shall be made available for inspection by the commission or any designated representative at any time with forty-eight (48) hours notice.
- E. No driver of a livery vehicle or other passenger vehicle for hire service restricted to pre-arranged services shall:
1. Operate a livery vehicle upon the property of any airport except for the purpose of discharging passengers whose trips originated elsewhere or for the purpose of rendering pre-arranged service to deplaning passengers;
  2. Park or stand a livery vehicle upon airport property except for the purpose of loading or unloading passengers in accordance with a pre-arrangement contract executed under this section;
  3. Remain upon airport property unless the vehicle has permanently affixed a vehicle identification tag in accordance with policies and procedures promulgated by the airport authority.
- F. The MTLC may, by rule, establish additional requirements for proof of pre-arrangement.

#### 6.74.330 Operating records and reports.

Every holder of a certificate shall keep accurate daily records of the drivers and vehicles on duty. The forms utilized shall be approved by the MTLC. The MTLC has the right to review such records upon reasonable notice to the holder.

#### 6.74.340 Accidents.

- A. All accidents arising from or in connection with the operation of a passenger vehicle for hire shall be reported within seventy-two (72) hours from the time of occurrence to the MTLC director if the accident results in:
1. Death or bodily injury to any person, or

2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars (\$400).
- B. A driver operating a passenger vehicle for hire at the time of an accident involving bodily injury is required to report for a drug screen, within twenty-four (24) hours from the time of occurrence, at a testing site approved by the MTLC. Failure to report for a screen shall result in revocation of the driver's permit. If there is cause to suspect that the medical condition of the driver may have contributed to the accident, the MTLC director may suspend the passenger vehicle for hire driver's permit until the driver provides a new, federal Department of Transportation medical card.
- C. A passenger vehicle for hire damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two weeks of the accident.

6.74.350 Passengers -- Maximum number.

No driver shall permit more persons to be carried in any passenger vehicle for hire than the manufacture's rated seating capacity, or the number of approved seat belts, whichever is less. No driver shall permit more than five persons to be carried in a sedan.

6.74.360 Passengers -- Receiving and discharging by drivers.

Drivers of passenger vehicles for-hire regulated by this chapter shall not receive or discharge passengers in the roadway. Nothing in this section shall be construed to permit the parking of a vehicle at any place where parking is otherwise restricted or prohibited.

6.74.370 Dispatch from Place of Business.

Livery services and any other passenger vehicle for hire services restricted to pre-arranged services shall be dispatched and operate only from the place of business approved in the certificate of public convenience and necessity. The certificate holder shall not operate, house, store or maintain any vehicles at any place of public accommodation unless the vehicle is at that time hired. As an exception, a full-service hotel that also operates a passenger vehicle for hire service for the exclusive use of its guests may be authorized to operate from its property if requested in its application for a certificate of public convenience and necessity and approved by the MTLC.

6.74.380 Prohibition against compensation for right to pick-up passengers.

- A. It shall be unlawful for any passenger service company, driver's permit holder, chauffeur, or operator of any passenger vehicle for hire or any other person directly or indirectly to provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation for the right to pick up passengers or provide for-hire passenger service from any hotel, motel, apartment, restaurant, nightclub, bar, school, hospital, convalescent home, medical clinic or any other business establishment, or public facility. The license, registration, or certificate of any passenger service company, driver's permit holder, chauffeur, or operator of any passenger vehicle for hire violating this

provision shall be subject to suspension up to twelve (12) months for the first violation and shall be subject to revocation for repeat violations in accordance with the provisions of the Code.

- B. It shall be a violation of this article for any individual or entity to accept compensation in any form, either directly or indirectly, from any passenger service company, driver's permit holder, chauffeur or operator of any passenger vehicle for hire or any other person for the right to pick up passengers or provide for hire passenger service from any hotel, motel, apartment, restaurant, nightclub, bar, school, hospital, convalescent home, medical clinic or any other business establishment or public facility.

#### 6.74.390 Disposition of disorderly passengers.

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

#### 6.74.400 Required items.

All Passenger Vehicles for Hire operated under the authority of this chapter shall be equipped with a wireless form of communication (i.e. cellular or digital telephone, or two-way radio), and other items prescribed by the commission in rules and regulations.

#### 6.74.410 Prohibited items.

No Passenger vehicle for hire operated under the authority of this chapter shall be equipped with a toplight, taximeter, or taxicab signs; or be otherwise lettered, painted or marked in such a way to be misleading or such that may deceive the public as to its classification.

#### 6.74.420 Driver appearance.

- A. Every driver, while on duty, shall wear proper attire, and shall be dressed in compliance with those rules adopted by the commission.
- B. The rules of the commission shall prohibit the following articles when worn as outer garments: T-shirts, undergarments, tank tops, swimwear, jogging suits, body shirts, shorts, cut-off pants, trunks, sandals, clogs and other similar attire. Offensive words or symbols on clothing are also prohibited.

#### 6.74.425 Vehicle Safety Devices.

Subject to the rules and regulations of the licensing commission, owners and operators of passenger vehicles for hire may affix or install safety devices in or on such vehicles. Such devices must be approved by the commission or its director prior to installation.

6.74.430 Prohibited acts by driver.

- A. No driver shall engage in illegally selling intoxicating liquors or controlled substances, or soliciting business from or for any house of ill repute or use his or her vehicle for any purpose other than the transporting of passengers.
- B. No driver while on duty shall engage in abusive language or conduct, including but not limited to cursing or verbal insults.
- C. While on duty, no driver shall be under the influence or engaged in the consumption of intoxicants, including but not limited to alcoholic beverages.
- D. All driver's permit holders must comply with all state, local and federal laws.

6.74.440 Inspectors-- Reporting or citing violations.

The inspectors of the metropolitan government are authorized and are instructed to observe the conduct of holders of certificates and permits operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector may either report the violation to the licensing commission, which will order or take appropriate action, or issue a citation as authorized under 6.74.500.

6.74.450 Reserved

Article V. Violations—Civil Penalty Schedules

6.74.500 Violation—Penalties

- A. For any person or persons electing to admit a violation and pay a civil penalty for the violation of the following sections or subsections prior to the court date, the civil penalty for the conviction of a first violation of such section or subsection within a twelve-month (12) period shall be twenty-five dollars (\$25), and the civil penalty for the conviction of a second violation within twelve (12) months shall be fifty dollars (\$50). The civil penalty for the conviction of a third violation within twelve months shall be set by the court in accordance with Section 1.01.030 of this code:

- Section 6.74.070 Commission notification—Quarterly reports---required;
- Section 6.74.100 Current driver's permit/license---required;
- Section 6.74.170 Display of permit---required;
- Section 6.74.180 Suspension and revocation of Tennessee driver's license;
- Section 6.74.200 Vehicle permit---required;
- Section 6.74.210 Vehicle to display identification;
- Section 6.74.220 Inspection and maintenance of vehicles compliance---required;
- Section 6.74.225 Limits on stretch limousines;
- Section 6.74.330 Operating records and reports;
- Section 6.74.340 Accidents;
- Section 6.74.400 Required items;
- Section 6.74.410 Prohibited items;

Section 6.74.420 Driver appearance;  
Section 6.74.425 Vehicle safety devices.

- B. The civil penalty for violation of any of the following sections or subsections shall be set by the court in an amount not to exceed fifty dollars (\$50).

Section 6.74.020 Certificate of Public Convenience and Necessity---required;  
Section 6.74.045 Annual Renewal of Certificate of Public Convenience and Necessity;  
Section 6.74.050 Liability insurance---required;  
Section 6.74.230 Vehicle age and mileage limit;  
Section 6.74.300 Duty to render service---Business requirements;  
Section 6.74.310 Daily manifests;  
Section 6.74.350 Passengers—Maximum number;  
Section 6.74.380 Prohibition against compensation for right to pick up passengers;  
Section 6.74.430 Prohibited acts by driver;

- C. The court may use the aforementioned schedule as a guide in setting civil penalties in accordance with Section 1.01.030 for any person or persons who appear to contest any violation of this chapter of the code.

Section 2. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

INTRODUCED BY:

\_\_\_\_\_  
Brian, McQuiston, Executive Director  
Metropolitan Transportation Licensing  
Commission

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED AS TO AVAILABILITY OF  
FUNDS:

\_\_\_\_\_  
Director of Finance

\_\_\_\_\_  
Member(s) of Council

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
Metropolitan Attorney